IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7677 of 2005

Between:

Pavulvri Subba Rao, S/o. P. Venkateshwarlu,
R/o. D.No. 42-4--47, Vishwanatham Sreet,
Ramakrishnapuram, Vijayawada.

..... PETITIONER

AND

The Managing Director, Electronics Corporation Of India Ltd;
(A Government Of India Enterprises) Moula- Ali,
Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in not releasing the retirement /terminal benefits in favour of the petitioner , as being arbitrary,, illegal unconstitutional and violative of Article 14 and 21 of the constitution of India and consequently to direct the respondent to forthwith release the retirement / terminal benefits in favour of the petitioner.

Counsel for the Petitioner: MR.B.PARAMESEWARA RAO

Counsel for the Respondent: MR.DANTU.SRINIVAS

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondent in not releasing the retirement/terminal benefits in favour of the petitioner as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent and perused the material on record.

Admittedly, the respondent did not pay the amount in view of the orders passed by the I Additional Senior Civil Judge and the Principal Junior Civil Judge, Hyderabad (East and North), Ranga Reddy District. Therefore, withholding of the amount by the respondents cannot be said to be arbitrary.

The learned counsel for the petitioner has submitted that at least Provident Fund and Gratuity may be ordered to be released.

In view of the above submission, appropriate decision has to be taken by the competent authority, but not certainly by this Court.

Hence, the writ petition is disposed of giving liberty to the petitioner to avail such other remedies as may be available under law. In the

circumstances of the case there shall be no order as to costs.

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(K.C. BHANU, J.)

7th April, 2005

bcj

To

1 The Managing Director, Electronics Corporation Of India Ltd;
(A Government Of India Enterprises) Moula- Ali,
Hyderabad.

2. Two C.D. copies